



W.P.(MD)No.7634 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.7634 of 2022

Jayshankar

... Petitioner

vs.

1.The District Collector,
Pudukottai District.

2.The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Generation and
Distribution Company Limited,
Machuvaadi (Pannai Gate),
Pudukkottai District.

3.The Tahsildar,
Kulathur Post and Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second Respondents to effect electricity service connection to the house of the petitioner comprised in S.F.No.292/11, Kummampatti, Vathanakuruchi, Thirumalairayapuram Post, Kulathur Taluk at once.



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W.P.(MD)No.7634 of 2022

For Petitioner :Mr.P.Ganapathi Subramanian
For R1 and R3 :Mr.J.Ashok
Additional Government Pleader
For R2 :Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent/Assistant Engineer, Operation and Maintenance, Tamil Nadu Electricity Generation and Distribution Company Limited, Machuvaadi (Pannai Gate), Pudukkottai District, to grant electricity service connection to the house of the petitioner in S.F.No.292/11, Kummampatti, Vathanakuruchi, Thirumalairayapuram Post, Kulathur Taluk.

2.Heard Mr.P.Ganapathi Subramanian, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first respondent and Mr.S.Deenadhayalan, learned Counsel for the second respondent.



W.P.(MD)No.7634 of 2022

3.In the affidavit filed in support of this Writ Petition, it had been stated that the land at S.F.No.292/11, Kummampatti, Vathanakuruchi, Thirumalairayapuram Post, Kulathur Taluk is classified as “Natham” in the revenue records. It had been further stated that the petitioner had constructed a house and is residing in the property. He had also paid property tax to the Panchayat. He had sought electricity service connection. He had applied to the second respondent and also paid necessary charges.

4.The learned Standing Counsel for the second respondent stated that the application had been cancelled, since it should be applied to the Assistant Engineer, TANGEDCO, Machuvaadi (Rural), Pudukkottai District, whereas, the petitioner had applied to the Assistant Engineer, TANGEDCOO, Machuvaadi (Town).

5.I am not able to understand as to how the application could be cancelled by the second respondent. The officer should have transferred it to the jurisdictional Assistant Engineer and if otherwise the records are proper, proceed to grant electricity connection or if the records are not



W.P.(MD)No.7634 of 2022

proper, give reasons for not granting electricity connection.

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6.It is seen that the petitioner had also paid a sum of Rs.2,818/- towards electricity service connection charges. The learned Standing Counsel stated that if a representation is made, the said amount would be refunded.

7.This would again reflect on the accounts of the second respondent only. They have received the amount by way of challan. Now they will have to refund that amount. They would be again receiving the amount from the petitioner on the fresh application to be now filed. If an internal audit is done, this credit, debit and another credit would only be called for answers to be given by the Internal Audit team.

8.At any rate, I leave it to the wisdom of the second respondent in this connection. The petitioner may file a fresh application to the Assistant Engineer, Operation and Maintenance, Tamil Nadu Electricity Generation and Distribution Company Limited, Machuvaadi (Rural), Pudukkottai District and pay necessary charges and also enclose the



W.P.(MD)No.7634 of 2022

house property tax.

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9.It is represented that certificate from the Village Administrative Officer has to be received. For the present, let the application be processed and the petitioner may simultaneously state that he is in possession of the building. If residence certificate is issued by the Village Administrative Officer, the same may later be forwarded to the appropriate authority. The petitioner may also apply for refund of the amount already paid and if it is done so, the second respondents is directed to refund the same. Both grant of electricity service connection, if application of the petitioner is otherwise in order and the refund of the amount paid earlier should be done within a period of eight weeks from the date on which the application/representation is given by the petitioner.

10.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

16.03.2023

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W.P.(MD)No.7634 of 2022

To

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W.P.(MD)No.7634 of 2022

C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.7634 of 2022

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